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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN CARLOS SERESI,

Defendant.

No. CR 89-190-SVW

UNITED STATES' NON OPPOSITION TO  
DEFENDANT'S MOTION FOR  
COMPASSIONATE RELEASE; EXHIBITS

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California, does not oppose defendant Juan Carlos Seresi's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(ii). The government agrees that defendant meets the criteria of the Policy Statement set forth at USSG § 1B1.13 and Application Note 1(B).<sup>1</sup> Those provisions require defendant be at least 65 years old and have

<sup>1</sup> In terms of defendant's conduct and role in the offense, the government defers to defendant's Presentence Report.

1 served the lesser of 10 years or 75% of the imposed sentence. As to  
2 health, a defendant must be "is experiencing a serious deterioration  
3 in physical or mental health because of the aging process." Id.

4 Here, defendant is 73 years old. He has been in custody since  
5 1989 - for approximately 31 years. As to his health, recent medical  
6 records show he has, inter alia, high blood pressure, a high BMI,  
7 hyperlidemia, vision issues including age-related macular  
8 degeneration, and hearing difficulties.<sup>2</sup> See United States v.  
9 Chavez-Zarate, 2020 WL 5095936, at \*7-8 (E.D. Cal. Aug. 28, 2020)  
10 (coronary atherosclerosis in combination with risk of COVID-19  
11 satisfy the age provision of § 1B1.13 for 66-year-old inmate). The  
12 government believes defendant does not currently pose a danger to an  
13 individual or the community, and the likelihood of recidivism is very  
14 low. Bureau of Prisons, when it denied his request for release,  
15 noted that defendant has an ICE detainer. Therefore, defendant will  
16 likely be deported if released from custody. Deft. Mot., p. 2, Cohen  
17 Decl. Ex.2.

18 If the court determines a sentence reduction is appropriate and  
19 further decides to reduce the sentence to one of time served, the  
20 government requests that in addition to the Supervised Release terms  
21 previously set by the court at sentencing, the Court impose the  
22 following additional terms: that prior to defendant's release, he  
23 complete all pre-release procedures, or any quarantine period  
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25 <sup>2</sup> Defendant's recent BOP medical records are filed separately  
26 and under seal as Government's Exhibits 1 and 2. Defendant's BMI  
27 places him at a high-risk for COVID-19 complication. See generally  
28 Centers for Disease Control, Coronavirus Disease 2019 (COVID-19)--  
People Who Are At Higher Risk, available at  
[https://www.cdc.gov/coronavirus/2019-ncov/need-extra-](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html)  
[precautions/people-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html) (last accessed October 14,  
2020).

1 required by Bureau of Prisons COVID 19 policy or any related  
2 procedures implemented at defendant's current place of confinement.

3 Dated: October 15, 2020

Respectfully submitted,

4 NICOLA T. HANNA  
United States Attorney

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Assistant United States Attorney  
Chief, Criminal Division

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10 DIANA L. PAULI  
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11 Attorneys for Plaintiff  
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